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NSW ENVIRONMENT
PROTECTION AUTHORITY

7 August 2013

Mr Mark Gifford
Chief Environmental Regulator
Environment Protection Authority
PO Box A290
Sydney South NSW 1232

Mark

Dear Mr Gifford,

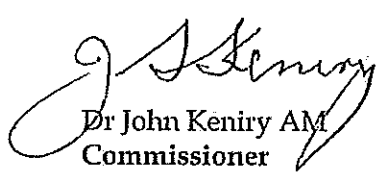
Draft amendment to Protection of the Environment Operations (General) Regulation 2009

I am writing to express my support for the proposed changes to the *Protection of the Environment Operations (General) Regulation 2009* which would allow invasive native scrub (INS) cleared under an approved Property Vegetation Plan (PVP) to be used for electricity generation.

In visits to the Western Catchment Management Authority (CMA) region I have observed the economic potential for use of cleared INS for this purpose. The proposed change to the regulation could bring economic and environmental benefits to landholders in western NSW.

I attach a letter I sent to the Minister for Primary Industries in November 2012, outlining my support for this proposal.

Yours sincerely


Dr John Keniry AM
Commissioner

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1 November 2012

The Hon Katrina Hodgkinson, MP
Minister for Primary Industries
Minister for Small Business
Level 30, Governor Macquarie Tower
1 Farrer Place
Sydney NSW 2000

Dear Minister,

Invasive native scrub for electricity generation

This letter follows from recent discussions with your office about the potential to use invasive native scrub (INS) cleared under an approved Property Vegetation Plan (PVP) for electricity generation.

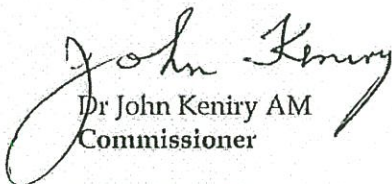
In a recent visit to the Western Catchment Management Authority (CMA) region I observed the economic potential of INS cleared in accordance with PVPs under the *Native Vegetation Act (2003)*. Discussions with the Western CMA and land holders indicated the commercial interest from energy companies in cleared INS for generating electricity. The commercial potential of western region INS was also referred to in 2011 research by the Rural Industries Research and Development Corporation. The Western CMA is conducting a trial on the availability of cleared INS for this purpose, with results ready for consideration within the next three months. I also note that in the current draft NSW Renewable Energy Plan (2012) the Government is considering the use of INS as a source of bioenergy production.

While a permit system under the *Native Vegetation Act (2003)* allows the clearing of native vegetation classified as INS, using material from clearing operations to generate electricity is not permissible under Clause 97 of the *Protection of the Environment Operations (General) Regulation 2009*. Currently, the EPA can grant exemptions on a case-by-case basis. It would be more efficient to add INS cleared under an approved PVP to the existing list of exempted native forest bio-material under Clause 96, *Protection of the Environment Operations (General) Regulation 2009*. The EPA has indicated it could be possible to add cleared INS to this list.

The NRC believes that changes to current arrangements prohibiting use of cleared INS for electricity generation could bring economic and environmental benefits to landholders in western NSW.

To progress this proposal I suggest that you refer this letter to the EPA and the Environment Minister as the basis for further discussion.

Yours sincerely,


Dr John Keniry AM
Commissioner

Donef Racho

From: Kristina Higham <Kristina.Higham@rdaorana.org.au>
Sent: Friday, 16 August 2013 1:41 PM
To: EPA Continuous Improvement Unit Mailbox
Cc: Felicity Taylor-Edwards
Subject: RDA Orana submission re: proposed draft POEO Amendment Regulation 2013
Attachments: Letter of support - Amendment to POEO Regulation 160813.docx

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Native Forest Biomaterials Consultation
Reform and Compliance Branch
Environment Protection Authority
SYDNEY SOUTH NSW 1232

To Whom It May Concern,

Please find attached a letter of support for the proposed amendment to the Protection of the Environment Operations (General) Regulation 2009.

A copy of this correspondence has also been posted.

On behalf of,
Felicity Taylor-Edwards,
CEO
Regional Development Australia Orana

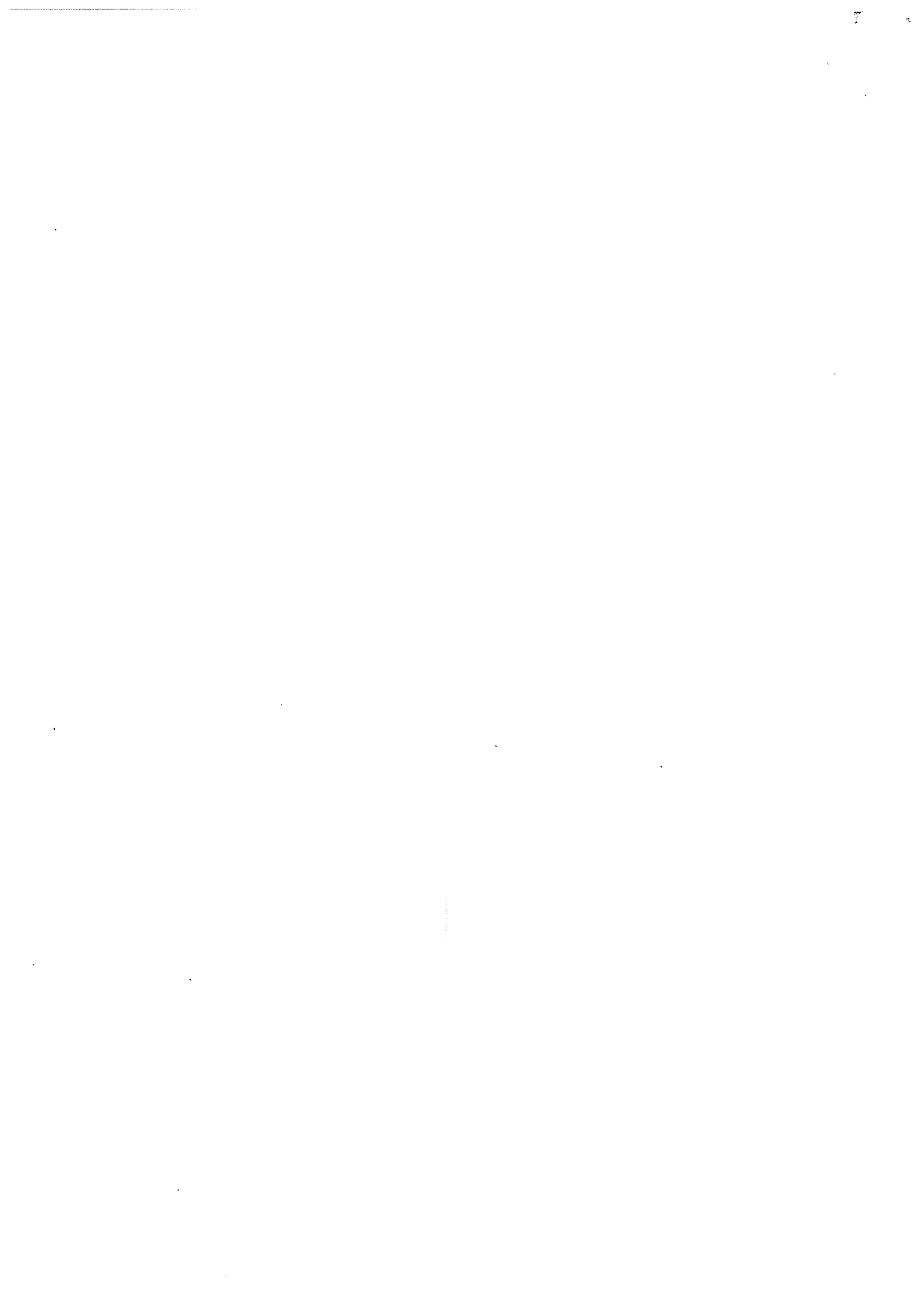
Kristina Higham
Project Manager



Phone: 02 6885 1488
Fax: 02 6885 1468
Email: Kristina.higham@rdaorana.org.au
Address: PO Box 1357 Dubbo NSW 2830
Website: www.rdaorana.org.au

Connect with us...





16 August 2013

Native Forest Biomaterials Consultation
Reform and Compliance Branch
Environment Protection Authority
PO Box A290
SYDNEY SOUTH NSW 1232
native.biomass@epa.nsw.gov.au

Dear Sir/Madam,

**SUPPORT FOR PROPOSED AMENDMENT OF THE *PROTECTION OF THE ENVIRONMENT OPERATIONS
(GENERAL) REGULATION 2009***

I am writing on behalf of Regional Development Australia (RDA) Orana in support of the proposed amendment to the *Protection of the Environment Operations (General) Regulation 2009*. The draft Regulation is proposing to exclude two additional types of materials from the definition of 'native forest bio-material' under the standing Regulation.

The emerging bio-industry holds huge potential for the Orana region with numerous opportunities around carbon farming and bio mass processing that could lead to countless benefits to our economy and environment. Given the expansive geographical land mass and significant agricultural activity present in the region, there is enormous potential for the generation of large amounts of biomass and the production of biomass commodities for domestic and international markets, the generation of renewable energy and the reduction of our reliance on fossil fuels.

RDA Orana would, therefore, like to confirm its support for the proposed amendment to the Regulation to allow certain types of native vegetation materials, which is already being cleared, to be burnt so that economic and environmental benefit can be realised.

Yours sincerely



Felicity Taylor-Edwards
CEO, RDA Orana

PROUD OF OUR PEOPLE & OUR REGION



Donef Racho

From: Peter Droulers <Peter.Droulers@cma.nsw.gov.au>
Sent: Friday, 16 August 2013 3:59 PM
To: EPA Continuous Improvement Unit Mailbox
Subject: WCMA response
Attachments: Western CMA Submission on draft POEO Amendment Regulation_201_3.doc

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To whom it may concern:

Please find the attached Western Catchment Management Authority's response and comments to the **Protection of the Environment Operations (General) Amendment (Native Forest Biomaterial) Regulation**.

Regards

Peter Droulers

Peter Droulers
Manager - Strategic Land Services
Western CMA
21 Mitchell St Bourke 2840
Ph: 02 6872 2144
Fax: 02 6872 2993

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12 August 2013

Native Forest Biomaterials Consultation
Reform and Compliance Branch
Environment Protection Authority
PO Box A290
Sydney South NSW 1232
Email: native.biomass@epa.nsw.gov.au

Re: Protection of the Environment Operations (General) Amendment (Native Forest Biomaterial) Regulation

Thank you for the opportunity to comment on the draft regulation. The Western Catchment Management Authority supports an amendment to allow invasive native species cleared in accordance with a property vegetation plan under the Native Vegetation Act to be used for electricity generation. It is important that the environmental standards of the current Native Vegetation Regulation are maintained to ensure environmental outcomes of the proposed operations under this amendment are also maintained.

Invasive Native Species dominate much of the landscape in the Western Catchment. The Western CMA has approved more than 200 Invasive Native Species PVPs enabling appropriate management to restore a mosaic and healthy landscape. The bio-material that is created from such clearing will be able to be utilised efficiently for electricity generation when the proposed amendment is made.

Specific comments and recommendations on draft Regulation are provided in Attachment A.

Regards,

A handwritten signature in black ink, appearing to read 'Ken Harrison', written over a horizontal line.

Ken Harrison
General Manager
Western Catchment Management Authority

ATTACHMENT A

Western CMA specific comments in relation to draft regulation

Section	Comment/ recommended wording
Explanatory note (a)	Invasive native species include trees and shrubs. For consistency with the Environmental Outcomes Assessment Methodology (EOAM) (a) needs to refer to trees and shrubs.
Explanatory note (a)	Correct reference is to the 'Environmental Outcomes Assessment Methodology'.
Explanatory note (a)	When the Native Vegetation Regulation is amended in September the INS assessment is not likely to be Chapter 7 of the EOAM. Consult with OEH for correct appropriate reference or refer to Invasive Native Species Chapter.
Explanatory note (a)	<p>Recommended wording: Bio-material obtained from trees and shrubs that have been cleared in accordance with a property vegetation plan approved under Part 4 of the <i>Native Vegetation Act 2003</i> after the clearing was assessed under the Invasive Native Species Chapter of the Environmental Outcomes Assessment Methodology (within the meaning of the <i>Native Vegetation Regulation 2005</i>)</p> <p>Some PVPs involve clearing assessed under different Chapters of the EOAM. It is necessary to clarify that only the trees and shrubs cleared are invasive native species, assessed under that Chapter. If it is not clarified the amendment would allow all trees cleared under PVP to be used even if only some of the native vegetation was assessed under Chapter 7.</p>
Definitions	<p>Include: Property vegetation plan (PVP) has the same meaning as the <i>Native Vegetation Act 2003</i>.</p>
Clause 96, definition of "native forest bio-material" (i)	<p>Recommended wording: (i) trees and shrubs that have been cleared in accordance with a property vegetation plan approved under Part 4 of the <i>Native Vegetation Act 2003</i> after the clearing was assessed under the Invasive Native Species Chapter of the Environmental Outcomes Assessment Methodology (within the meaning of the <i>Native Vegetation Regulation 2005</i>)</p>

Donef Racho

From: Chris Ambler <Chris.Ambler@cma.nsw.gov.au>
Sent: Monday, 19 August 2013 4:28 PM
To: EPA Continuous Improvement Unit Mailbox
Subject: Submission for the amendment of the PEOR 2009
Attachments: 2013.08.14 Submission for the amendment of the PEOR 2009.docx

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Hi
Please see attached.
Regards
Chris

*Chris Ambler
A/General Manager
Central West Catchment Management Authority
Unit 13 Riverview Business Park
36 Darling Street
PO Box 2105
Dubbo NSW 2830
Ph. 6881 3420
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Chris.Ambler@cma.nsw.gov.au*

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**Catchment Management
Authority**
Central West

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T (02) 6881 3400 F (02) 6881 3401
www.cw.cma.nsw.gov.au

Contact: Chris Ambler
T (02) 6881 3420 M 0428 797 901
email: chris.ambler@cma.nsw.gov.au

Native Forest Biomaterials Consultation
Reform and Compliance Branch
Environment Protection Authority
PO Box A290
Sydney South NSW 1232
native.biomass@epa.nsw.gov.au

To Whom it May Concern,

Central West Catchment Management Authority supports the proposed amendments to the Protection of the Environment Operations Regulation 2009.

Of particular interest is the exclusion of invasive native species legally cleared under a Property Vegetation Plan from the 'native forest bio materials' which will allow for this biomass to be utilised for an alternative power source rather than being burnt to the atmosphere as is current practice.

This will provide a range of social, economic and environmental benefits to the landholders, local community and landscape. Whilst improving the biodiversity of the landscape through management of invasive native species landholders will be able to generate income through the sale of cleared biomass.

Current practice is to burn cleared invasive native species releasing carbon dioxide and other greenhouse gases to the atmosphere, by utilising this biomass for a power source these emissions can be reduced whilst also reducing emissions from coal based power plants which would have otherwise generated the electricity.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C. Ambler', written over a horizontal line.

Christopher Ambler
General Manager
Central West CMA



Donef Racho

From: paul.wells@dpi.nsw.gov.au
Sent: Tuesday, 20 August 2013 1:46 PM
To: EPA Continuous Improvement Unit Mailbox
Cc: brendan.george@dpi.nsw.gov.au
Subject: DPI submission - PoEO regulation
Attachments: OUT13 24043 DPI submission PoEO Regulation amendment proposal(2).DOC

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Paul Wells | Manager Forests | Primary Industries
NSW Dept of Primary Industries | PO Box 865 | Hampden Street | Dubbo | NSW 2830
T: 02 6881 1252 | F: 02 6881 1295 | M: 0408 690 445 | E: paul.wells@industry.nsw.gov.au
W: www.industry.nsw.gov.au | www.dpi.nsw.gov.au

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19 August 2013

OUT13/24043
V12/5217

Native Forest Biomaterial Consultation
Reform and Compliance Branch
Environment Protection Authority
P.O. Box A290
SYDNEY SOUTH NSW 1232

Dear Sir/Madam,

Submission on the draft *Protection of the Environment Operations (General) Amendment (Native Forest Bio-material) Regulation 2013*

Thank you for the opportunity to comment on the proposed amendments to the PoEO Regulation with respect to the use of native forest bio-material in the generation of electricity.

The proposed regulatory change removes an anomaly whereby it is prohibited to use woody waste from native forests for electricity generation while those same residues can be used for other forms of biomass utilisation.

In particular we are pleased the proposals

- meet the policy objective that forest industries continue to be based on value adding and that wood harvested is always placed in the highest value available market;
- maintain existing silvicultural practices and regulations whilst optimising the use of wood waste from routine harvesting operations without increasing harvesting intensity;
- continue protection of forest habitat values and site productivity through the continued regulatory instruments of Integrated Forest Operations Approvals (IFOAs) and the Private Native Forestry Codes.

The proposed changes will also bring NSW in line with other State jurisdictions in Australia and provide a more equitable marketplace. The proposed changes are also consistent with other national and state based bioenergy initiatives.

Relevant State based initiatives include:

1. NSW Renewable Energy Action Plan (Draft)

A NSW Renewable Energy Action Plan is being developed to support the achievement of the national target of 20% renewable energy by 2020. The Plan positions NSW to increase the use of energy from renewable sources at least cost to the energy customer and with maximum benefits to NSW.

2. NSW 2021 State Plan

Goal 22.3 Increase renewable Energy – 20% renewable energy by 2020

3. Draft Policy Statement – NSW Energy from Waste (EPA)

“The Government recognises that the recovery of energy and resources from the thermal processing of waste can be a valid pathway for residuals, if further material recovery through reuse, reprocessing or recycling is not financially sustainable or technically achievable, and where a community acceptance to operate is obtained and it will not harm the environment or human health”

Relevant National initiatives include:

1. *The Biofuels and Bioenergy Strategy* include nationally agreed objectives to:

- Increase demand for renewable energy for stationary power and transport fuels, as Australia seeks to reduce its GHG emissions;
- Develop of a variety of new and existing feed stocks that optimise sustainable use.

2. *Forests and Wood Products Strategy* notes that beyond the maintenance and expansion of existing markets for wood products there is increased global interest in the greater use of woody biomass to replace fossil-fuel-derived products and energy in a carbon-emissions-constrained world. Opportunities for wood and fibre products exist across the value spectrum, from bioenergy to biomaterials. The Australian Bioenergy Road Map, published by the Clean Energy Council in 2008, sets a target contribution of bioenergy towards electricity generation in Australia of about 3.7% by 2020.

3. *The Climate Change Strategy* has a series of directly relevant objectives:

- RDE Outcome 2: Lowering of greenhouse gas emissions intensity of products
 - 2.3.1 Recovering energy, carbon and nutrient from waste;
 - 2.3.2 Generating and using efficient, alternative energy sources.
- RDE Outcome 3: Proactive participation in a carbon constrained economy
 - 3.2: Realising opportunities and meeting obligations;
 - 3.2.1 Realising market opportunities;
 - 3.4. Understanding trade-offs of potential mitigation and adaptation options.

General Comments:

Harvest residues are currently able to be utilised for pulpwood and firewood as well as other emerging renewable energy products including biofuel and biochar, and it is entirely consistent to also allow these materials to be used for the generation of renewable electricity.

The utilisation options for lower grade forest residues are highly variable across the state and are dependent on the availability of suitable markets. Commercial markets come and go and are often subject to external factors beyond local control. Allowing harvest residues to be used for electricity will increase the range of potential markets for existing harvest residues, enhancing silvicultural outcomes and ultimately sustainable forest practices.

The type of market available for harvest residues must be irrelevant from a regulatory perspective, as forest regulation is about sustainable forest practices and not about what market the material is sold into. The principle policy issue is to ensure harvested forest timber is placed in the highest value available market. Depending on available markets, harvest and silvicultural residues can be sold as pulpwood, firewood and the full range of bioenergy uses – including electricity generation.

It is understood the proposed amendments do not allow any additional trees to be harvested to those currently permitted, but provide a greater opportunity to utilise residues that may otherwise be left to burn or rot.

NSW DPI supports the *POEO (General) Amendment (Native Forest Bio-material) Regulation 2013*. They are consistent with sustainable forest practices, provide Greenhouse Gas benefits and enhance forest and renewable energy industry development.

Should you require further detail on this issue, please contact Brendan George, Leader Forest Policy, Planning Development and Plantations. Brendan can be reached on (02) 67631238.

Yours sincerely

Michael Bullen
Deputy Director General - Agriculture NSW
Department of Primary Industries

